



Docket No. CRD5068USNP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robert Falotico, et al.

Serial No. : 10/796,397

Art Unit: 1615

Filed : March 9, 2004

Examiner: C. A. Azpuru

For : Local Vascular Delivery of Topotecan in
Combination with Rapamycin to Prevent Restenosis
Following Vascular Injury

I hereby certify that this correspondence is being deposited with the
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June 13, 2006
(Date of Deposit)

Carl J. Evens
(Name of applicant, assignee, or Registered Representative)

/Carl J. Evens/

(Signature)

June 13, 2006

(Date of Signature)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2).

☐ There are no listed references which are not in the English language.

☒ The relevance of those listed references which are not in the English language is as follows: An English language translation has been provided for reference No. 23 (DE 10127011). English language abstracts are included for reference numbers 25 and 26 (WO 03/020331 and WO 03/034944).

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CRD5068USNP/CJE. This form is submitted in triplicate.

Respectfully submitted,

/Carl J. Evens/

Carl J. Evens
Reg. No. 33,874
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2518
DATED: June 13, 2006



Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office	Docket No. CRD5068USNP	Application No. 10/796,397
	Applicant Robert Falotico, et al.	
	Filing Date March 9, 2004	Group 1615
	Confirmation No. 1881	

U. S. PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Name	Class	Subclass
	1	3,929,992	12/30/75	Seghal et al.	424	122
	2	3,959,078	05/25/76	Guire	530	350
	3	4,350,160	09/21/82	Kolesov et al.	227	179.1
	4	4,366,819	01/04/83	Kaster	606	153
	5	4,368,736	01/18/83	Kaster	606	153
	6	4,624,257	11/25/86	Berggren et al.	606	153
	7	4,722,906	02/02/88	Guire	436	501
	8	4,733,665	03/29/88	Palmaz	606	108
	9	4,739,762	04/26/88	Palmaz	623	1.11
	10	4,776,337	10/11/88	Palmaz	623	1.11
	11	4,917,090	04/17/90	Berggren et al.	606	153
	12	4,917,091	04/17/90	Berggren et al.	606	153
	13	5,229,172	07/20/93	Cahalan et al.	427	536
	14	5,234,447	08/10/93	Kaster et al.	606	153
	15	5,308,641	05/03/94	Cahalan et al.	427	2.1
	16	5,350,800	09/27/94	Verhoeven et al.	525	54.2
	17	5,415,938	05/16/95	Cahalan et al.	428	409
	18	5,837,313	11/17/98	Ding et al.	427	2.21
	19	6,099,562	08/08/00	Ding et al.	623	1.46
	20	6,120,536	09/19/00	Ding et al.	623	1.43
	21	6,153,252	11/28/00	Hossainy et al.	427	2.3
	22	6,425,898	07/30/02	Wilson et al.	606	108

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FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO
	23	10127011 A1	12/12/02	DE	X	
	24	02/064127 A1	08/22/02	WO		
	25	03/020331 A1	03/13/03	WO	X abstract	
	26	03/034944 A1	05/01/03	WO	X abstract	
	27	2005/016187 A1	02/24/05	WO		

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<i>First Named Inventor</i>	Robert Falotico
<i>Group Art Unit</i>	1615
<i>Examiner Name</i>	C.A. Azpuru
<i>Attorney Docket Number</i>	CRD5068USNP